

FILED
for Roanoke
MAY 11 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

JOHN POWHATAN KIRBY, JR.,
Petitioner,

Civil Action No. 7:09-cv-00157

v.

FINAL ORDER

GENE M. JOHNSON,
Respondent.

By: Hon. Jackson L. Kiser
Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is now

ORDERED

that the petition for writ of habeas corpus filed by the petitioner, pursuant to 28 U.S.C. § 2254, is
DISMISSED without prejudice as successive and this action is **STRICKEN** from the active docket
of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum
opinion to the petitioner.

ENTER: This 11th day of May, 2009.

[Signature]
Senior United States District Judge